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PAMELA COATES

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19 Co-Counsel for Plaintiffs

20 **UNITED STATES DISTRICT COURT**

21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

22 TRUSTEES FOR THE ILWU-PMA
23 PENSION PLAN,

24 Plaintiffs,

25 v.

26 PAMELA COATES, JENNIFER M. TAYLOR,
27 LAVERSA PIER, MARY TAYLOR, and SHERYL
28 ANN JACKSON PERDUE,

Defendants.

Case No. cv-11-3998-EMC

**STIPULATED REQUEST TO
DESIGNATE PAMELA
COATES THE SOLE
BENEFICIARY OF JAMES
TAYLOR'S ILWU-PMA
PENSION PLAN SURVIVOR
PENSION BENEFIT;
[PROPOSED] ORDER**

COMPLAINT FILED: August
15, 2011

22 This Stipulated Request To Designate Pamela Coates the Sole Beneficiary of James
23 Taylor's ILWU-PMA Pension Plan Survivor Pension Benefit is entered into by co-counsel for
24 the Trustees for the ILWU-PMA Pension Plan ("Plaintiffs"), and Defendant Pamela Coates
25 ("Coates") (collectively the "Parties"), as follows:

26 WHEREAS, Plaintiffs filed this action entitled *Trustees of the ILWU-PMA Pension Plan*
27 *v. Pamela Coates, et al.*, Case No. cv-11-3998-EMC ("Action") on August 15, 2011;

28 STIPULATED REQUEST TO DECLARE PAMELA COATES THE SOLE BENEFICIARY OF
JAMES TAYLOR'S ILWU-PMA PENSION PLAN SURVIVOR PENSION BENEFIT/ CV-11-3998-EMC

1 WHEREAS, Plaintiffs filed this Action to seek appropriate equitable relief in the form of
2 an Order instructing Plaintiffs as to whom the Survivor Pension benefits payable on account of
3 James A. Taylor under the ILWU-PMA Pension Plan (the “Pension Plan”) are to be paid;

4 WHEREAS, the late James A. Taylor was a Pension Plan participant with vested Pension
5 Plan benefits at the time of his death on November 15, 2009;

6 WHEREAS, Paragraphs 2.051 and 2.0514 of the Pension Plan generally provide that
7 when a Plan participant dies, his or her surviving spouse will receive a monthly Survivor Pension
8 benefit for the remainder of the surviving spouse’s life. For purposes of qualifying for a
9 Survivor Pension benefit, a surviving spouse is defined in relevant part by the Pension Plan as
10 follows:

11 [A]ny person who survives a Participant who was alive and whose
12 Pension Commencement Date had not occurred as of June 30,
13 1987 if (i) such person was legally married to the Participant for a
14 continuous period of not less than 1 year as of the Participant’s
15 Pension Commencement Date, (ii) such person legally married the
16 Participant within 1 year before his Pension Commencement Date
17 and was legally married to him for a continuous period of at least 1
18 year ending on or before the date of his death, or (iii) such person
19 was legally married to the Participant for a continuous period of
20 not less than 1 year as of his death, and his death occurred before
21 his Pension Commencement Date.

22 WHEREAS, Defendant Pamela Coates is a resident of San Francisco, California, and was
23 married to James A. Taylor on August 6, 1999. On January 13, 2010, Pamela Coates filed a
24 claim with Plaintiffs for the Survivor Pension benefits payable under the Pension Plan on
25 account of James A. Taylor, stating that she was the legal spouse of James A. Taylor on the date
26 of his death;

27 WHEREAS, Pamela Coates, Jennifer M. Taylor, Laversa Pier (formerly known as
28 Laversa Taylor), Mary Taylor, and Sheryl Ann Jackson Perdue (formerly known as Sheryl
Taylor) (collectively “Defendants”) were named as parties to this Action on the basis that
Defendants could potentially claim entitlement to the Survivor Pension benefits payable under
the Pension Plan on the account of James A. Taylor;

1 WHEREAS, on September 30, 2011, Pamela Coates filed an Answer to Plaintiffs'
2 Complaint (Docket No. 10);

3 WHEREAS, Pamela Coates' Answer to Plaintiffs' Complaint represents that she was the
4 legal spouse of James A. Taylor on the date of his death (Docket No. 10, ¶¶ 2-4);

5 WHEREAS, Defendants Jennifer M. Taylor, Laversa Pier, Sheryl Ann Jackson Perdue
6 and Mary Taylor did not respond to Plaintiffs' Complaint or otherwise enter an appearance in
7 this Action;

8 WHEREAS, the Court granted Judgment in favor of Plaintiffs and against all Defendants
9 except Pamela Coates, as follows:

10 Jennifer M. Taylor: Judgment entered on August 31, 2012 (Docket
11 No. 57);

12 Laversa Pier: Judgment entered on August 31, 2012 (Docket No.
13 57);

14 Sheryl Ann Jackson Perdue: Judgment entered on August 31, 2012
(Docket No. 57);

15 Mary Taylor: Judgment entered on February 12, 2013 (Docket No.
16 76); and

17 WHEREAS, by the Court's entry of Judgment in favor of Plaintiffs, Jennifer M. Taylor,
18 Laversa Pier, Sheryl Ann Jackson Perdue, and Mary Taylor are enjoined from commencing or
19 maintaining any action against Plaintiffs regarding entitlement to the Survivor Pension benefits
20 payable under the Pension Plan on account of James A. Taylor.

21 **STIPULATION**

22 IT IS HEREBY STIPULATED, by and between the Parties hereto, through their
23 respective attorneys of record, that Pamela Coates should be declared the sole beneficiary of the
24 Pension Plan Survivor Pension benefit on account of James A. Taylor. The Parties respectfully
25 request that the Court declare Pamela Coates the sole beneficiary of the Pension Plan Survivor
26 Pension benefits payable on account of James A. Taylor.

27 Should the Court enter an Order declaring Pamela Coates the sole beneficiary of the
28 Pension Plan Survivor Pension Benefit payable on account of James A. Taylor, Plaintiffs shall

1 disburse payment of the Survivor Pension benefit to Pamela Coates effective retroactively as of
2 December 1, 2009, within 50 days of the Court's Order. Plaintiffs shall also make continuing
3 monthly payments due and owing to Pamela Coates so long as the benefit is due under the terms
4 of the Pension Plan.

5
6 Dated: April 17, 2013

Respectfully submitted,

LEONARD CARDER LLP

7
8 By: /s/ Lindsay R. Nicholas
9 CHRISTINE S. HWANG
LINDSAY R. NICHOLAS

SEYFARTH SHAW LLP

10
11 By: /s/ Michelle M. Scannell
12 D. WARD KALLSTROM
13 KATHLEEN CAHILL SLAUGHT
MICHELLE M. SCANNELL

14 Co-Counsel for the Joint Trustees of
15 the ILWU-PMA Pension Plan

16 Dated: April 17, 2013

LAW OFFICE OF BRIAN L. LARSEN

17
18 By: /s/ Brian L. Larsen (as authorized on
19 4/17/13)
BRIAN L. LARSEN
LAUREN B. GELBER

20 Attorney For Defendant Pamela Coates

21 **PURSUANT TO STIPULATION, IT IS ORDERED:**

22 Defendant Pamela Coates is the sole beneficiary to the Survivor Pension benefit payable
23 under the ILWU-PMA Pension Plan ("Pension Plan") on account of James A. Taylor;

24 Within 50 days of the Court's Order, Plaintiffs shall disburse payment of the Survivor
25 Pension benefit payable under the Pension Plan on account of James A. Taylor to Pamela Coates
26 effective retroactively as of December 1, 2009; and
27

1 Plaintiffs shall make continuing monthly Survivor Pension benefit payments due and
2 owing to Pamela Coates on account of James A. Taylor so long as the benefit is due under the
3 terms of the Pension Plan.

4 DATED: 4/19/13 _____



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